

FILED

MAR 29 2018

RORY L. PERRY II, CLERK
U.S. District Court
Southern District of West Virginia

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

EDWARD JESSE DREYFUSE,

Plaintiff,

(Enter above the full name of the plaintiff
or plaintiffs in this action).

(Inmate Reg. # of each Plaintiff)

VERSUS

CIVIL ACTION NO. 3:18-cv-499

(Number to be assigned by Court)

JUDGE PAUL T. FARRELL,

Defendant,

(Enter above the full name of the defendant
or defendants in this action)

COMPLAINT

I. Previous Lawsuits

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?

Yes ✓ No _____

NOT challenging conditions of confinement

B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline).

1. Parties to this previous lawsuit:

Plaintiffs: EDWARD JESSE DREYFUSE

Defendants: CHRISTOPHER D. CHILES

SEAN HAMMERS

RYAN BENTLEY

2. Court (if federal court, name the district; if state court, name the county);

U.S. DISTRICT COURT SOUTHERN DISTRICT
OF WEST VIRGINIA / HUNTINGTON DIVISION

3. Docket Number: 3:17-cv-4031

4. Name of judge to whom case was assigned:

UNKNOWN

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

Pending

6. Approximate date of filing lawsuit: 9/25/2017

7. Approximate date of disposition: Pending

II. Place of Present Confinement: N.C. Moundsville, wv

A. Is there a prisoner grievance procedure in this institution?

Yes / No

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes No /

C. If you answer is YES:

1. What steps did you take? N/A

2. What was the result? N/A

D. If your answer is NO, explain why not: NOT APPROPRIATE
IN THE INSTANT ACTION

III. Parties

(In item A below, place your name and inmate registration number in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of Plaintiff: EDWARD JESSIE DREY FUSE # 3534873

Address: 112 N.R.C. DR. MOUNDSVILLE WV 26041

B. Additional Plaintiff(s) and Address(es): _____

(In item C below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Use item D for the names, positions, and places of employment of any additional defendants.)

C. Defendant: Judge PAUL T. FARRELL

is employed as: CIRCUIT COURT JUDGE

at CABELL COUNTY COURT HOUSE

D. Additional defendants: _____

IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

42 U.S.C. § 1983 Civil action for intentional
Deprivation of Civil and Constitutional
Rights as Described in The ATTACHED

SEE ATTACHED - Pgs. 1-A - Thru 15-A

* due to the complex issues of this case the
STATEMENT OF CLAIM is Detailed in the ATTACHED.

IV. Statement of Claim (continued):

V. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments.
Cite no cases or statutes.

Declaratory Reliefs as Claimed,* due to the complex issues of this case the Declaratory Reliefs sought are detailed in the ATTACHED

See pages 1-A Thru 15-A

SEE ATTACHED

V. Relief (continued):

VII. Counsel

A. If someone other than a lawyer is assisting you in preparing this case, state the person's name:

SELF

B. Have you made any effort to contact a private lawyer to determine if he or she would represent you in this civil action?

Yes _____

No ✓

If so, state the name(s) and address(es) of each lawyer contacted:

If not, state your reasons: _____

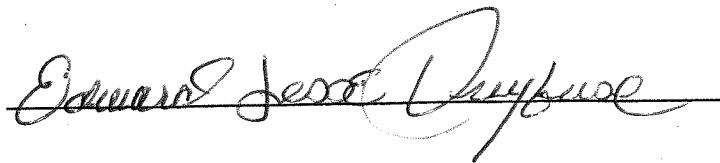
C. Have you previously had a lawyer representing you in a civil action in this court?

Yes _____

No ✓

If so, state the lawyer's name and address:

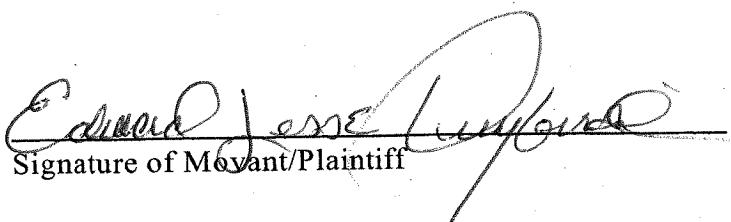
Signed this _____ day of _____, 20 ____.



Signature of Plaintiff or Plaintiffs

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 3/26/2018
(Date)


Signature of Movant/Plaintiff

Signature of Attorney
(if any)

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION

EDWARD JESSE DREYFUSE,
Plaintiff, Pro-se

v.

JUDGE, PAUL T. FARRELL,
Defendant,

42 U.S.C. § 1983 CIVIL ACTION

comes your Plaintiff, Edward Jesse Dreyfuse,
Pro-se, bringing action before this Honorable
Court pursuant to the Civil Rights Act of
1871, 42 U.S.C. § 1983 and its jurisdictional
implementation, 28 U.S.C. § 1333.

Your Plaintiff seeks only the equitable
reliefs of Declaratory Judgment
pursuant to 28 U.S.C. § 2201 and
28 U.S.C. § 2202 for the "Arbitrary and
Capricious" actions of the Defendant.

Under 28 U.S.C. § 2201, the existence of another adequate remedy does not preclude a Declaratory Judgment Action. According to such, Plaintiff serves NOTICE upon the Defendant and respectfully moves for a speedy Hearing into the matters at issue Pursuant to Rule 57 of the Federal Rules of Civil Procedure of the above titled action and advancing the same on the Courts calendar for the cause of actions in the claims presented below.

CAUSE OF ACTIONS

CLAIM ONE:

Plaintiff claims the denial of access to review or to possess a copy of all of the discovery materials contained within his criminal case file, 12-F-232, by the Defendant, on its face, deprives the Plaintiff of a property interest without due process of law and contrary to the protections of the Fifth and Fourteenth U.S. Constitution's amendments.

Plaintiff Asserts that arbitrary and
capricious actions by the Defendant,
PAUL T. FARRELL has, and is being
Applied in violation of your Plaintiff's
Constitutional Rights under the
Fourteenth Amendments due process
CLAUSE.

Plaintiff, a person convicted of a Capital
offense in Cabell County Circuit Court
by a Jury Trial Presided by Judge
PAUL T. FARRELL, The Defendant herein,
has Filed a Post-conviction Petition
For Writ of HABEAS CORPUS, CASE NO:
16-C-1, wherein your Plaintiff, without
the assistance of counsel identified
and presented NINE Separate Claims
for HABEAS Relief, (see EXHIBIT-A).

Plaintiff has in fact Filed more than 10
REQUESTS for a copy of the Discovery
MATERIALS contained within Criminal
Case File 12-F-232, all which have
gone without Disclosure of the Discovery
of Case 12-F-232, your Plaintiff's
Case file, and respectfully, his property.

Plaintiff further includes that EVERY Attorney appointed by the Defendant, Paul T. Farrell has REFUSED TO provide a complete copy of the Discovery materials to your Plaintiff, and by such Plaintiff has filed formal complaints with the W.Va. Lawyer Disciplinary Counsel against EACH of the Attorney's for withholding and concealing the Discovery materials. The Record is clear where Plaintiff has filed Disciplinary complaints against Attorney's Connery, Hicks, Rosinsky, Meadows, Wright, Andrew Shumate and at present attorney Raymond Nolan in I.D. No. 18-02-054 - (review at www.wvodc.org).

As every Lawyer has intentionally withheld the Discovery, Plaintiff has filed a formal complaint for the violations of the respective Rules of Professional Conduct which has resulted in your Plaintiff's being abandoned by Counsel.

Plaintiff avers that previous counsel informed him that any Lawyer who challenges Judge Farrell or Chris Chiles will not receive any further appointments in Cabell County.

Furthermore, as every lawyer intentionally withheld and concealed the Discovery at issue, upon filing motions for the Appointment of Counsel and also motions for STATUS Hearings Plaintiff has repeatedly asked the Defendant for a copy of the Discovery at issue, which has been arbitrarily and capriciously denied.

Plaintiff has shown that the Discovery in question is NOT only personal property, but ALSO is needed and required in order to identify and raise all potential Grounds for Post-conviction HABEAS CORPUS Reliefs and to ALSO allow Plaintiff to knowingly and intelligently WAIVE any issues or Grounds prior to the omnibus Discovery as are mandated in the legal prerequisites set forth in LOSH U. mckenzie, However, The Defendant continues to Deny your Plaintiff Access or a complete copy of the Property at issue, knowing such is a CONSTITUTIONAL VIOLATION.

RELIEFS SOUGHT:

Plaintiff seeks a speedy hearing into the matter pursuant to Rule 57 of the Federal Rules of Civil Procedure and after full development of the claim in such hearing Plaintiff seeks Declaratory Judgment that the denial and intentional withholding of the discovery materials from your Plaintiff by the Defendant are an unconstitutional violation of the Due Process and Equal Protection Clauses of the Fifth and Fourteenth Amendments as such is a deprivation of a property interest without Due Process.

Plaintiff also seeks any Reliefs this Court so deems appropriate pursuant to 28 U.S.C. § 2202 respectfully.

CLAIM TWO:

Plaintiff claims the denial to take action against Christopher Chiles, Sean Hammes and Ryan Bentley for the constitutional and civil rights violations they committed against the Plaintiff by the fraud they perpetrated upon the court as detailed in EXHIBIT - ZZZ

which was Intercepted and Denied by
The Defendant who knew that he
had absolutely NO Jurisdiction over
The Application to present Complaint
before The Grand Jury, did knowingly,
willfully and intentionally Deprive your
Plaintiff The Constitutional Rights
of Due Process and Equal Protection under
The clauses of The Fifth and Fourteenth
Amendments.

Plaintiff asserts that the arbitrary and
Capricious actions and inactions by
The Defendant, Paul T. Farrell Shock
The conscious as any Judge who would
Blatantly violate Title 18 U.S.C.S. § 241
Deprivation of Rights under color of
Law, these rights specifically being
The Fifth and Fourteenth U.S. Constitution's
RIGHTS OF Due Process and EQUAL Protection,
as well as The West Virginia STATE CONSTITUTIONAL
VIOLATION OF ARTICLE III § 17 THAT STATES The
Right that ANY Person, by Application to a
Circuit Judge who's Duty is to insure ACCESS
TO The Grand Jury, may go to The Grand
Jury to present A COMPLAINT TO IT.

not only did the Defendant intentionally intercept, decide and deny the action in which he had no jurisdiction over, the Defendant did not take appropriate actions pursuant to the West Virginia Code of Judicial Conduct that mandates a Judge having knowledge of misconduct of a lawyer that questions the lawyer's honesty, trustworthiness or fitness as a lawyer has a DUTY to report such misconduct to the appropriate authority. Without question the misconduct and felony offenses committed by Christopher Chiles, Sean Hammers and Ryan Bentley as detailed and described in EXHIBIT-ZZZ should have been promptly reported to the appropriate disciplinary authorities, the U.S. Dept. of Justice, the U.S. Attorney and the West Virginia Attorney General and the Defendant should have immediately initiated an investigation into the official misconduct and felony offenses committed by Christopher Chiles, Sean Hammers and Ryan Bentley.

Accordingly, by the Defendant's inactions
he has committed offenses under 18 U.S.C. § 1
and 18 U.S.C. § 3 and has intentionally
Deprived your Plaintiff the U.S.
Constitutional Rights of Due Process
and Equal Protection of Law under the
Fifth and Fourteenth Amendments and
also Deprived your Plaintiff the STATE
Constitutional Rights under Article III
§ 17 of the W-Va. Constitution that any
Person, by application to a circuit Judge
whose Duty is to insure access to the Grand
Jury, may go to the Grand Jury to
present a complaint to it.

RELIEFS SOUGHT

Plaintiff seeks a speedy Hearing into the
matters pursuant to Rule 52 of the Federal
Rules of Civil Procedure, and after the
full development of the claim in such
Hearing Plaintiff seeks Decisory
Judgment that the afore described
actions and inactions by the Defendant
are unconstitutional violations of the
Due Process and Equal Protection Clauses
of the Fifth and Fourteenth Amendments
and Art. III § 17 of the W-Va. STATE
CONSTITUTION.

Plaintiff also seeks any Reliefs This
Court so deems appropriate pursuant
to 28 U.S.C. § 2202 Respectfully.

CLAIM THREE:

Plaintiff Claims That The Denial and
Refusal to recuse or self Disqualify
As The presiding Judge in The Post-
Conviction Habeas Corpus Proceedings
of Case No: 16-C-1 by The Defendant
is repugnant To The Ancient legal maxim
that "Nemo Debet Esse Jux In Proponit CAUSA --
No man ought to be A Judge in his
own CAUSE," which is a fundamental Rule
of reason and of natural Justice, and
is TEXTBOOK example of Arbitrarity
And Capricious ACTIONS OF The Defendant
THAT Shock The Consciosus and Are
unconstitutional violations of The Due
Process and Equal protection CLAUSES OF
The Fifth and Fourteenth Amendments
and W.VA. canon 3 (c)(i), (i'), (iii) and (iv)
And The W.VA. code of Judicial conduct
Rule 2.11 A, (1), (a).

Plaintiff asserts that PAUL T. FARRELL'S
REFUSAL TO RECUSE AND SELF DISQUALIFY
FROM THE HABEAS ACTION, CASE NO. 16-C-1
ARE A DENIAL OF DUE PROCESS AND EQUAL
PROTECTION OF LAW AS WELL AS BLATANT
VIOLATIONS OF THE W. VA. CODE OF JUDICIAL
CONDUCT AND ITS CANONS.

AS CLEARLY DETAILED IN THE HABEAS PETITION
(SEE EXHIBIT-A) THESE STANDS THE SERIOUS
ISSUES OF PROSECUTORIAL MISCONDUCT THAT
INVOLVES THE INTENTIONAL AND FRAUDULENT
PRESENTMENT OF FABRICATED FALSE PERJURED
TESTIMONY AND ALSO THE VERY COGNIZABLE
AND FACTUAL CLAIM THAT THE DEFENDANT,
JUDGE PAUL T. FARRELL KNEW THAT SUCH
FRAUD WAS BEING PERPETRATED IN HIS
COURT WITHOUT INTERVENTION, CORRECTION
OR APPLYING A DOCTRINE OF INHERENT
INCREDIBILITY, AS PAUL T. FARRELL DID
KNOWINGLY, INTENTIONALLY AND WILLFULLY
ALLOW THE FALSE, FABRICATED, FRAUDULENT
TESTIMONY PROCURED AND SUBBANED BY CHRISTOPHER
CHILES TO PASS AS A FACT OF MATERIAL
EVIDENCE WHILE KNOWING SUCH WAS
ABSOLUTELY IMPOSSIBLE - (SEE EXHIBIT-BBB
WHICH WAS REVIEWED BY THE DEFENDANT PRIOR
TO TRIAL)

This, as well as other issues, including the Defendant's Refusal to take action prior to trial for the illegal actions committed by Christopher Chiles, Sean Hammers and Ryan Bentley before a session of the Grand Jury which was brought to Judge Farrell's attention in a pre-trial status as well as other issues regarding misconduct, pre-judice and denial of state and federal Constitutional Rights of the Plaintiff by the actions which are and were arbitrary and capricious, must be fully developed and amended to the Habeas Corpus Petition, case no: 16-c-1 in order to seek appropriate state relief and to fully preserve the issues for Federal 2254 Review should such be necessary.

It is well founded that a Judge shall disqualify himself in any proceeding in which the Judge's impartiality might be reasonably questioned, especially where the Judge has a personal bias or pre-judice concerning a party, and where the Judge has personal knowledge of facts that are in dispute in the proceedings.

Further still, by presenting issues involving Judge Farrell, he will and is in fact a "party to the Habeas proceeding" and will likely be a material witness in the same proceedings.

Therefore, The Defendants Refusal to Self Disqualify is a clear violation of the W. Va. Code of Judicial conduct and also violates the Plaintiff's Fifth and Fourteenth Amendment Rights of the U.S. Constitution's Equal protection of law and Due process of law.

Beliefs Sought:

Plaintiff Seeks a Speedy Hearing into the matters Pursuant to Rule 57 of the Federal Rules of Civil Procedure.

Plaintiff Seeks Declaratory Judgment that the Afore Described Refusal to self Disqualify as presiding Judge in Habeas action 16-c-1 by The Defendant is an unconstitutional violation of the Due process and Equal protection clauses of the Fifth and Fourteenth amendments of the U.S. Constitution and violations of the W. Va. Code of Judicial conduct and its canons.

Plaintiff also seeks this court so deems appropriate pursuant to 28 U.S.C. 2202
Respectfully,

CONCLUSION

Plaintiff presents the instant action in good faith with no malicious intent in order to seek this Honorable court's Review and Decision in the factual matters presented herein.

Petitioner presents such with the understanding that there is no judicial immunity in a 42 U.S.C. § 1983 Civil action that seeks only the equitable remedy of a Declaratory Judgment pursuant to 28 U.S.C. § 2201 for the arbitrary and capricious actions on part of a state Judge as such are appropriate and actionable under 42 U.S.C. § 1983.

Petitioner includes that the instant action as initiated and respectfully presented is only seeking the equitable remedies of a Declaratory Judgment.

Plaintiff seeks such Reliefs with the understanding that Declaratory Judgment is a Judgment which declares conclusively the Rights, Duties or Status of the parties involved and is the appropriate Remedy for the determination of a Justiciable controversy where Plaintiff is in doubt of his Rights.

Respectfully Submitted and Affirmed as being true and correct to the best of my knowledge and presented under the penalty of perjury pursuant to 28 U.S.C. § 1746

Edward J. Ryker

Executed on 3/26/2018.

Clerk Ronny Perry II,

Please find the enclosed Certificate of Service,
Financial Affidavit, motion for Speedy Hearing,
42 U.S.C. 1983 Civil Action, and Supporting
EXHIBITS - A, ZZZ-BBB and file such
accordingly.

Thank you for your services in this
matter.

Respectfully

Edward Jesse Payne

Edward J. Dreyfuse #3534873

Northern Correctional Facility
112 Northern Regional Correctional Drive
Moundsville, WV 26041

U.S. DISTRICT COURT CLERK, Ron Perritt II
SYDNEY CHRISTIE FEDERAL BLDG.
845 FIFTH AVENUE
HUNTINGTON, WV,
25701

LEGAL
MAIL



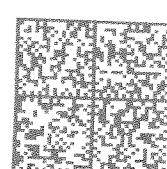
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